

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
CIVIL MINUTES**

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**Case Title:** Russell Wayne Lester

**Case No.:** 20-24123 - E - 11

**Docket Control No.** FWP-2

**Date:** 02/23/2021

**Time:** 10:30 AM

**Matter:** [12] - Motion/Application Granting Replacement Liens [FWP-2] Filed by Debtor Russell Wayne Lester (isaf) [12] - Motion/Application Scheduling Final Hearing Pursuant to Bankruptcy Rule 4001 [FWP-2] Filed by Debtor Russell Wayne Lester (isaf) [12] - Motion/Application to Use Cash Collateral [FWP-2] Filed by Debtor Russell Wayne Lester (isaf)

**Judge:** Ronald H. Sargis

**Courtroom Deputy:** Nancy Williams

**Reporter:** Diamond Reporters

**Department:** E

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**APPEARANCES for:**

**Movant(s):**

(by phone) Debtor - Russell Wayne Lester; (by phone) Debtor's Attorney - Thomas A. Willoughby; (by phone) Debtor's Attorney - Lauren M. Kawano

**Respondent(s):**

(by phone) Creditor's Attorney - Nicholas R. Marcus; (by phone) Creditor's Attorney - Jason J. DeJonker; (by phone) Creditor's Attorney - Douglas H. Kraft; Mr. Russell Burbank by phone

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**CIVIL MINUTES**

HEARING TO BE HELD ON 3/25/2021 at 10:30 AM at Modesto Courtroom

See Findings of fact and conclusions of law below

**The court will issue an order.**

Local Rule 9014-1(f)(1) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor in Possession, creditors holding the twenty largest unsecured claims, creditors, parties requesting special notice, and Office of the United States Trustee on September 2, 2020. The initial emergency hearing was conducted on August 31, 2020, and the final hearing set by order of the court for September 17, 2020.

**The hearing on the Motion to Use Cash Collateral is continued to 10:30 a.m. on March 25, 2021 (Specially Set Date to the Modesto Division Calendar)**

The Court has authorized the Seventh Interim Use of Cash Collateral through and including March 26, 2021, and Extended Exclusivity for the Debtor in Possession pursuant to the Stipulation of the Debtor in Possession, The Prudential Insurance Company of America, and First Northern Bank of Dixon; and Extended the Exclusivity for the Debtor in Possession through and including March 26, 2021.

Request for Continuance  
**and Interim Extension of Exclusive Period**

On February 18, 2021, the parties filed a Stipulation agreeing that the hearing on this matter be continued to a date to be determined at the February 23, 2021 hearing. Dckt. 415. The parties informed the court that they have agreed to vacate the briefing schedule for all the hearings scheduled in this case related to the Motion to Use Cash Collateral (FWP-2), the Motion for Extension of Exclusive Period (FWP-17), the Motion to Terminate Exclusivity (NRM-1), and the Approval of the Disclosure Statement (FWP-14).

The parties have also agreed to an interim cash collateral order authorizing use of cash collateral in the amounts and for the purposes as stated in the present cash collateral budget attached as Exhibit A to this court's Fifth Interim Order on the Motion (Docket No. 306), through the week of a subsequent hearing date to be determined by the court provided that such subsequent hearing date is within thirty (30) days of the February 23 Hearing on cash collateral. *Id.*

The parties also agreed to extend the exclusivity period through the date of the continued hearing determined at the February 23, 2021 hearing. *Id.*